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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,559	09/30/2003	Philippe Gambier	68.0412	6528

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SCHLUMBERGER RESERVOIR COMPLETIONS
14910 AIRLINE ROAD
ROSHARON, TX 77583

EXAMINER

MILLER, WILLIAM L

ART UNIT PAPER NUMBER

3677

DATE MAILED: 03/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/675,559	Applicant(s) GAMBIER, PHILIPPE	
	Examiner William L. Miller	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 18-38 and 40-46 is/are pending in the application.
- 4a) Of the above claim(s) 4, 5, 7, 18 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 8-16, 20-38 and 40-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>09272005</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Amendment

1. The response filed 01-31-2006 has been entered. Claims 1-16, 18-38, and 40-46 are pending. Claims 4, 5, 7, 18, and 19 are drawn to a non-elected species and remain withdrawn from consideration.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 6, 15-16, 20, 28, 29, and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art (hereinafter "APA") in view of Taylor et al.

(US#3298716).

4. The APA, namely the "Related Art" section of the applicant's specification, discloses an apparatus comprising: a cable or control line (e.g. hydraulic, fiber optic, electric, and combinations thereof) having an inherent outer surface; and a seal assembly including a housing and rubber or elastomeric seals, metal-to-metal seals, or seals that rely upon fluid pressure. Thus, the APA fails to disclose the sealing assembly including a thermoplastic seal and adjacent ferrule, and a preload member (threaded mandrel) for inducing cold flow of the thermoplastic seal. However, such a seal assembly is known as Taylor discloses a seal assembly comprising: a housing 6; a thermoplastic seal 19; metal ferrules 11,12 abutting ends of the seal; and a preload member 1, namely a threaded pipe/mandrel, which applies a force to induce cold flow of the

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thermoplastic seal (col. 2, lines 64-72). Therefore, as taught by Taylor, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the APA by utilizing a seal assembly including a thermoplastic seal and adjacent ferrule, and a preload member (threaded mandrel) for inducing cold flow of the thermoplastic seal for improved sealing between the housing and cable or control line.

5. Claims 8-13, 21-26, 30-35, and 40-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over the APA in view of Taylor et al., and further in view of Evans (US#6861131).
6. Regarding claims 10-13, 23-26, 32-35, and 42-45, the APA as modified by Taylor discloses the seal as being made of the same material as the elements 7 and 8, thus the seal is any thermoplastic material resistant to corrosive conditions, such as polypropylene (col. 2, lines 20-23). The APA as modified by Taylor thus fails to disclose the thermoplastic material as PEEK, PEK, PPS, or PEKEEK as claimed by the applicant. However, the specific thermoplastic material is not a critical feature of the applicant's invention, and the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960). In any event, Evans teaches in col. 11, lines 20-36, that polypropylene, PEEK, PEK, PPS, and PEKEEK are known thermoplastic equivalents. Therefore, since the APA as modified by Taylor invites the usage of thermoplastic materials other than polypropylene, and Evans teaches that polypropylene, PEEK, PEK, PPS, and PEKEEK are known thermoplastic equivalents, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the APA as

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modified by Taylor in view of the teachings of Evans such that the thermoplastic material was PEEK, PEK, PPS, or PEKEEK for the inherent material properties thereof.

7. Regarding claims 8, 9, 21, 22, 30, 31, 40, and 41, since the APA as modified by Taylor and Evans discloses the thermoplastic material as PEEK, PEK, PPS, or PEKEEK, then this thermoplastic material inherently possesses the claimed tensile modulus range and flexural modulus range.

8. Claims 8, 9, 14, 21, 22, 27, 30, 31, 36, 40, 41, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over the APA in view of Taylor et al., and further in view of Wadahara et al. (US#6384128).

9. Regarding claims 14, 27, 36, and 46, the APA as modified by Taylor discloses the seal as being made of the same material as the elements 7 and 8, thus the seal is any thermoplastic material resistant to corrosive conditions, such as polypropylene (col. 2, lines 20-23). The APA as modified by Taylor thus fails to disclose the thermoplastic material as PET as claimed by the applicant. However, the specific thermoplastic material is not a critical feature of the applicant's invention, and the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960). In any event, Wadahara teaches in col. 9, lines 18-29, that polypropylene (along with PEEK, PEK, PPS) and PET are known thermoplastic equivalents. Therefore, since the APA as modified by Taylor invites the usage of thermoplastic materials other than polypropylene, and Wadahara teaches that polypropylene and PET are known thermoplastic equivalents, it would have been obvious to one of ordinary skill in the art at the time the

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invention was made to further modify the APA as modified by Taylor in view of the teachings of Wadahara such that the thermoplastic material was PET for the inherent material properties thereof.

10. Regarding claims 8, 9, 21, 22, 30, 31, 40, and 41, since the APA as modified by Taylor and Wadahara discloses the thermoplastic material as PET, then this thermoplastic material inherently possesses the claimed tensile modulus range and flexural modulus range.

Response to Arguments

11. Applicant's have been considered but are moot in view of the new ground(s) of rejection.

12. It is noted the applicant failed to specifically address the 35 U.S.C. 103 rejections in the previous Office action, namely the modifying of Taylor et al. in view of the teachings of Evans and Wadahara et al.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Miller whose telephone number is (571) 272-7068. The examiner can normally be reached on Tuesday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William L. Miller
Primary Examiner
Art Unit 3677



WLM